



# City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council  
City of Norfolk, Virginia

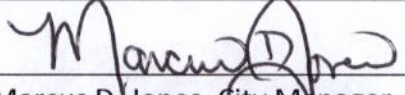
August 25, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **A special exception for the sale of alcoholic beverages for off-premises consumption at 999 Waterside Drive – Tinto Wine and Cheese, Etc.**

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/6

Approved:   
Marcus D. Jones, City Manager

Item Number: **R-5**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – Sale of alcoholic beverages for off-premises consumption
- IV. **Applicant:** Tinto Wine and Cheese, Etc.
- V. **Description:**
  - This request is replace the existing establishment selling off-premise alcohol with a new operator.
  - The proposed location was previously occupied by Yianni's Wine Company.

	Existing (Yianni's Wine Company)	Proposed
Hours of Operation	9:00 a.m. until 10:00 p.m., Monday until Thursday 9:00 a.m. until 11:00 p.m., Friday and Saturday 12:00 noon until 11:00 p.m. Sunday	10:00 a.m. until 10:00 p.m., seven days a week

Staff point of contact: Susan Pollock at 664-4765, [susan.pollock@norfolk.gov](mailto:susan.pollock@norfolk.gov)

Attachments:

- Staff Report to CPC dated July 23, 2015 with attachments
- Proponents and Opponents
- Ordinance



# City of NORFOLK

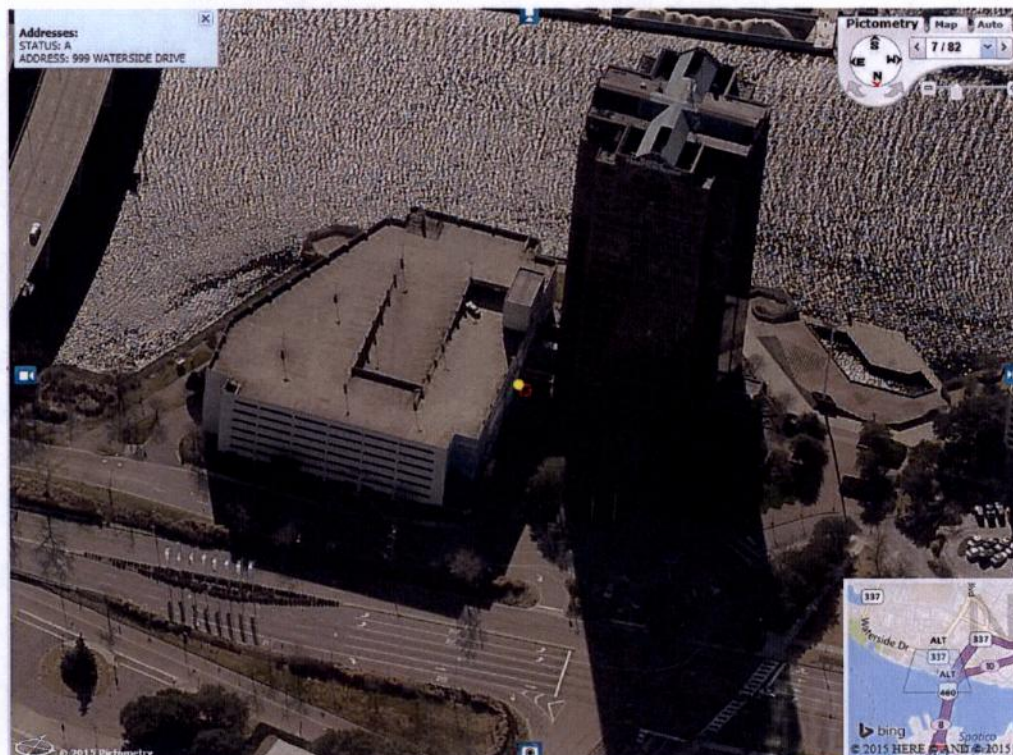
## Planning Commission Public Hearing: July 23, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Staff Principal Planner: Susan Pollock Hart, CFM

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Staff Report	Item No. 8	
Address	999 Waterside Drive	
Applicant	Tinto Wine and Cheese Etc.	
Request	Special Exception	Sale of Alcoholic Beverages for Off-Premise Consumption
Property Owner	Dominion Tower Financial Associates and Four Bees	
Site Characteristics	Site Area/Space	2.6 acres/443 square feet
	Zoning	D-1 (Downtown Waterfront)
	Neighborhoods	Downtown
	Character District	Downtown
Surrounding Area	North	D-1: City Hall
	East	D-1: Downtown Ramp/Tunnel
	South	D-1: Elizabeth River
	West	D-1: Waterside





**A. Summary of Request**

- This request is replace the existing establishment selling off-premise alcohol with a new operator.
- The proposed location was previously occupied by Yianni's Wine Company.

**B. Plan Consistency**

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as downtown.

**C. Zoning Analysis**

**i. General**

The site is located in the D-1, which permits the proposed use by special exception.

	Existing (Yianni's Wine Company)	Proposed
Hours of Operation	9:00 a.m. until 10:00 p.m., Monday until Thursday 9:00 a.m. until 11:00 p.m., Friday and Saturday 12:00 noon until 11:00 p.m. Sunday	10:00 a.m. until 6:00 p.m., Monday 10:00 a.m. until 8:00 p.m. Tuesday through Saturday 11:00 a.m. until 6:00 p.m., Sunday

**Special Exception History:**

City Council Approval	Applicant	Request
2014	Yianni's Wine Company	Sale of Alcoholic Beverages for Off-Premises Consumption
Pending	Tinto Wine and Cheese	New owner/operator

**ii. Parking**

The site is located within the D-1 zoning district, which does not require off-street parking.

iii. Flood Zone

The property is located in the AE, X and X shaded Flood Zones; however, no structural change to the building is proposed.

**D. Transportation Impacts**

No additional trips are forecast related to the proposed addition of on-premises alcohol sales at this existing retail location.

**E. Impact on the Environment**

There do not appear to be any opportunities to improve landscaping or reduce impervious surfaces through this application.

**F. Impact on Surrounding Area/Site**

By requiring this use to conform to the conditions listed below, the proposed retail sale of wine and beer for off-premises consumption should not have a negative effect on the surrounding neighborhood.

**G. Payment of Taxes**

The owner of the property is current on all real estate taxes.

**H. Civic League**

The application was sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on May 13.

**I. Communication Outreach/Notification**

- Legal notice was posted on the property on June 16.
- Letters were mailed to all property owners within 300 feet of the property on July 10.
- Legal notification was placed in *The Virginian-Pilot* on July 9 and July 16.

**J. Recommendation**

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be from 10:00 a.m. until 6:00 p.m. Monday 10:00 a.m. until 8:00 p.m., Tuesday through Saturday, 11:00 a.m. until 6:00 p.m., Sunday
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after



the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (f) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (g) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements or restrictions imposed by the ABC Commission or by State law.
- (h) A copy of this Adult Use Special Exception ordinance and "Exhibit A" (including the floor plan) shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (i) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

**Attachments:**

Location Map

Zoning Map

1000' radii map of similar ABC establishments

Application

Notices to the Downtown Norfolk Civic League and Downtown Norfolk Council

Support from the Downtown Norfolk Civic League

### **Proponents and Opponents**

#### **Proponents**

Natasha Harris  
1807 South Church Street, Suite 108-PMB  
Smithfield, VA 23430

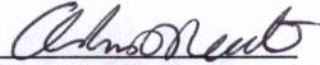
#### **Opponents**

None

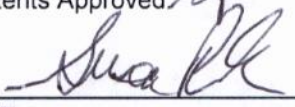


07/24/2015

Form and Correctness Approved: 

By   
Office of the City Attorney

Contents Approved: 

By   
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "TINTO WINE & CHEESE, ETC." ON PROPERTY LOCATED AT 999 WATERSIDE DRIVE, SUITE 113.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Everyday Wine, LLC, authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Tinto Wine & Cheese, Etc." on property located at 999 Waterside Drive, Suite 113. The property which is the subject of this Special Exception is more fully described as follows:

Property located on the southeast corner of Waterside Drive and St. Paul's Boulevard fronting 320 feet, more or less, along the southern line of Waterside Drive and 150 feet, more or less, along the eastern line of St. Paul's Boulevard; premises numbered 999 Waterside Drive, Suite 113.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours for the establishment and for sale of alcoholic beverages for off-premises consumption shall be limited to 10:00 a.m. until 10:00 p.m., seven days per week.
- (b) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until



a new special exception is granted showing the new owner, whichever is earlier.

- (c) No alcoholic beverages other than those defined by state law as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans, with the exception of those bottled, craft beers which are exclusively produced in bottles greater than 12 ounces but less than 32 ounces in size. No wine shall be sold in containers less than 187 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," and labeled, "Off-Premise Sale of Alcoholic Beverage" attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992, entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served



adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

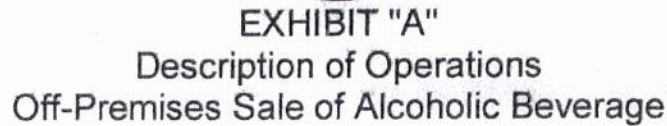
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting the operation of an Establishment for the Sale of Alcoholic Beverages for Off-premises Consumption on this property, adopted on March 19, 2013, (Ordinance No. 45,038) and all provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:  
Exhibit A (2 pages)





\*If business or property owner is an LLC or Corporation, all principals must be listed.

☒ Room temperature      ☒ Refrigerated

(Revised January, 2015)

**Exhibit A – Page 2**  
**ABC-Off**

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

N/A

*Crystal Stump*

Signature of applicant/owner.

*(Authorized Agent)*

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

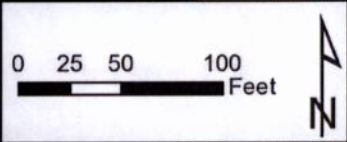
(Revised January, 2015)



**Location Map**



**TINTO WINE & CHEESE ETC.**





# Zoning Map

D-2

COMMERCIAL PLA

D-2

SAINT PAULS BOULEVARD

D-2

WATERSIDE DRIVE

UNION STREET

TINTO WINE & CHEESE ETC.

D-1

WATERSIDE DRIVE

WATER STREET

D-1

I-264E HIGHWAY

I-264W HIGHWAY

0 45 90 180 Feet





**APPLICATION  
ADULT USE SPECIAL EXCEPTION  
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application: 5/29/15

**DESCRIPTION OF PROPERTY**

Property location: (Street Number) 999 (Street Name) Waterside Dr, Ste 113

Existing Use of Property Gourmet Wine & Cheese Shop

Current Building Square Footage 443

Proposed Use Wine & Beer Off Premises for the gourmet shop

Proposed Building Square Footage 443

Trade Name of Business (If applicable) Tinto Wine & Cheese Etc.

**APPLICANT**

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

Everyday Wine LLC

1. Name of applicant: (Last) Brinkman (First) Peter (MI) J

Mailing address of applicant (Street/P.O. Box): 5337 Club Head Rd.

(City) Virginia Beach (State) VA (Zip Code) 23455

Daytime telephone number of applicant (757) 325-5413 Fax ( X )

E-mail address of applicant: peter@tintovabeach.com

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)



**AUTHORIZED AGENT (if applicable)**

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

ABC Consulting VA LLC

2. Name of applicant: (Last) Stump (First) Crystal (MI) E

Mailing address of applicant (Street/P.O. Box): 1807 S. Church St, #108-PMB 119

(City) Smithfield (State) VA (Zip Code) 23430

Daytime telephone number of applicant (757) 617-9773 Fax (800) 218-0165

E-mail address of applicant: Crystal@abcconsultingva.com

**PROPERTY OWNER**

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

Dominion Tower Financial Associates and Four Bees-DT, LLC

3. Name of property owner: (Last) \_\_\_\_\_ (First) \_\_\_\_\_ (MI) \_\_\_\_\_

Mailing address of property owner (Street/P.O. box): 999 Waterside Drive, Suite 2300

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of owner (757) 640-0800 email: rfriedman@harborg.com

**CIVIC LEAGUE INFORMATION**

Civic League contact: Downtown Norfolk Civic League, Kevin Murphy

Date(s) contacted: 6/2/15

Ward/Super Ward information: Ward: Theresa Whibley; Super Ward G. Barclay Winn

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

**REQUIRED ATTACHMENTS:**

- ✓ Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
  - o Application fee includes a non-refundable \$5 technology surcharge.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- ✓ One 8½ inch X 11 inch copy of a floor plan drawn to scale showing where cold and/or room temperature alcoholic beverages will be sold. (see attached example).
- ✓ Completed Exhibit A, Description of Operations (attached).
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc ).

**CERTIFICATION:**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: See attached Sign: See attached / /  
(Property Owner or Authorized Agent of Signature) (Date)

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_ / /  
(Applicant) (Date)


**ONLY NEEDED IF APPLICABLE:**

Print name: Crystal Stumpf Sign: 10 / 2 / 15  
(Authorized Agent Signature) (Date)

OWNER:


Dominion Tower Financial Associates, LLC,  
a Delaware limited liability company

By: DTFA Managing Co., LLC,  
a Delaware limited liability company,  
its Manager

By:   
\_\_\_\_\_  
T. Richard Litton, Jr.  
Vice President

Four Bees-DT, LLC,  
a Delaware limited liability company

By: FDBT Managing Co., LLC,  
a Delaware limited liability company  
its Manager

By:   
\_\_\_\_\_  
T. Richard Litton, Jr.  
its Manager





ST. PAULS BOULEVARD  
(Frontage 200'-0" - 200'-0")  
1/4" = 1' - 0"

POINT OF BEGINNING  
PARCEL 95A-7-4  
N.E. 1/4 SEC. 10  
T. 1 N. R. 1 E. S. 10  
(1/4" = 1' - 0")

POINT OF BEGINNING  
PARCEL 95A-2  
N.E. 1/4 SEC. 10  
T. 1 N. R. 1 E. S. 10  
(1/4" = 1' - 0")

POINT OF BEGINNING  
PARCEL 95A-5/0  
N.E. 1/4 SEC. 10  
T. 1 N. R. 1 E. S. 10  
(1/4" = 1' - 0")

EASTERN BRANCH OF  
THE ELIZABETH RIVER  
(Frontage 100'-0" - 100'-0")  
1/4" = 1' - 0"

WATERLOO DRIVE  
(Frontage 200'-0" - 200'-0")  
1/4" = 1' - 0"

WATER STREET  
(Frontage 200'-0" - 200'-0")  
1/4" = 1' - 0"



ALTA / ACSM LAND TITLE SURVEY  
OF  
PARCEL 95A-2  
DOCUMENT NUMBER 020003265  
FOR  
HARBOR GROUP INTERNATIONAL  
VIRGINIA BEACH, VIRGINIA

Revisions	By	Date	Comments

**LANDMARK**  
DESIGN GROUP  
Engineers • Surveyors • Architects  
Landscape Architects • Environmental Scientists

2044 Oceanview Road  
Suite 200  
Virginia Beach, VA 23462  
Tel: (757) 473-0000  
Fax: (757) 487-9033  
Email: info@landmarkdesign.com





----- Original Message -----

Subject: RE: Request for Support Adult Use Permit - Tinto Wine & Cheese Etc

From: "Kevin R. Murphy" <[krmurphy@verizon.net](mailto:krmurphy@verizon.net)>

Date: Tue, June 02, 2015 1:32 pm

To: "'Natasha M. Harris'" <[natasha@abcconsultingva.com](mailto:natasha@abcconsultingva.com)>

Hi Natasha,

The DNCL does not object to the application.

Thank you,

Kevin

**From:** Natasha M. Harris [<mailto:natasha@abcconsultingva.com>]

**Sent:** Tuesday, June 02, 2015 12:22 PM

**To:** Kevin Murphy; [dncl@welovenorfolk.org](mailto:dncl@welovenorfolk.org)

**Cc:** Crystal Stump

**Subject:** Request for Support Adult Use Permit - Tinto Wine & Cheese Etc

Mr. Murphy,

We are currently working with another location in your area, Tinto Wine & Cheese Etc, with obtaining and Adult Use Permit for Alcohol Off-Premises Consumption. Please see attached Letter of Intent. We ask that you and your civic league support this endeavor.

If you have any questions or concerns, it would be our pleasure to address them. If you place this item on your next meeting agenda, please let us know the meeting details.

Thanks again,

Natasha

**Natasha M. Harris**

Lead Consultant

**ABC Consulting**

1807 South Church Street

Suite 108-PMB 119

Smithfield, VA 23430

[natasha@abcconsultingva.com](mailto:natasha@abcconsultingva.com)

Phone: 757.876.9428

Fax: 800.218.0165

[www.abcconsultingva.com](http://www.abcconsultingva.com)

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**Please consider the environment before printing this email**



**Pollock, Susan**

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**From:** Straley, Matthew  
**Sent:** Wednesday, June 10, 2015 3:39 PM  
**To:** 'dncl@welovenorfolk.org'; Miller, Mary  
**Cc:** Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Pollock, Susan  
**Subject:** new Planning Commission application - 999 Waterside Drive, Suite 113  
**Attachments:** Tinto Wine.pdf

Mr. Murphy and Ms. Miller,

Attached please find the application for a special exception for the sale of alcoholic beverages for off-premises consumption on property located at 999 Waterside Drive, Suite 113.

The item is tentatively scheduled for the July 23, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Susan Pollock Hart* at (757) 664-4765, [susan.pollock@norfolk.gov](mailto:susan.pollock@norfolk.gov).

Thank you.

**Matthew Straley**  
GIS Technician II  
Norfolk Department of City Planning  
810 Union Street, Suite 508 | Norfolk, Virginia 23510  
[Matthew.Straley@norfolk.gov](mailto:Matthew.Straley@norfolk.gov) | Tel: 757-664-4769 | Fax: 757-441-1569